

# Wetlands Bureau Decision Report

Decisions Taken  
04/18/2005 to 04/24/2005

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

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**2004-01390 PALMER GROUP PROPERTIES LLC**  
**CARROLL Unnamed Wetland**

### Requested Action:

Amend permit to reflect a new road alignment which eliminates one lot and decreases overall wetland impact from 17,400 square feet (505 linear feet) to 12,190 square feet (310 linear feet) by avoiding one stream crossing (impact area #6) within an unnamed perennial stream.

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Inspection Date: 11/16/2004 by Craig D Rennie

### APPROVE AMENDMENT:

Amend permit to read: Fill 12,190 square feet within palustrine forested wetland and 310 linear feet of impact within the bed and banks of an intermittent and perennial stream to construct an access road for a 25-lot subdivision that includes 24 single family residential lots and one lot for a 24-unit condominium development. Mitigate impacts by placing a conservation easement on 21.59 acres of land adjacent to the Little River and its confluence with the Ammonoosuc River.

### With Conditions:

1. All work shall be in accordance with revised plans by Horizons Engineering, PLLC dated 2/16/05, as received by the Department on 04/14/05.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
7. This permit is contingent on approval by the DES Site Specific Program.
8. This permit is contingent on approval by the DES Subsurface Systems Bureau.
9. The permittee shall designate a qualified professional who will have the responsibility to ensure that the project is constructed in accordance with the approved plans, and that monitoring is accomplished in a timely fashion, and remedial measures are taken if necessary. The Wetlands Bureau shall be notified of the designated professional prior to the start of work and if there is a change of status during the project.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. Work shall be done during low flow.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. Culvert outlets shall be properly rip rapped.
14. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
16. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
17. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control

Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

18. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

**MITIGATION CONDITIONS:**

19. This permit is contingent upon the execution of a conservation easement on 21.59 acres of land as depicted on plans received 10/12/04.

20. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.

21. A letter of consent, which identifies the responsible party who will accept and hold the conservation easement, shall be submitted to the Wetlands Bureau prior to the start of construction.

22. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the Wetlands Bureau prior to the start of construction.

23. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.

24. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.

25. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

**With Findings:**

1. This project is classified as a Major Project per Administrative Rule Wt 303.02(i), as impacts to the bed and banks of a perennial and intermittent stream are greater than 200 linear feet.

2. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

3. The applicant is proposing to mitigate impacts by placing a conservation easement on 21.59 acres of land (9.12 acres of upland and 12.47 acres of wetland) adjacent to the Little River and its confluence with the Ammonoosuc River.

4. DES finds that Rule Wt 803.03(b), which requires that wetland areas are equal to or less than 50 percent of the total conservation area, is intended for projects that only provide the minimum amount of compensatory mitigation and that the current mitigation parcel exceeds the ratios of the mitigation rules.

**2004-02729 DEW DROP FARMS LLC, EROL DUymAZLAR  
CENTER HARBOR Lake Winnepesaukee**

**Requested Action:**

Excavate 42 linear ft of shoreline to construct a 38 ft by 42 ft dug in boathouse providing two slips, repair an existing 10 ft by 45 ft stone pier, construct wooden access stairs over the bank, dredge 91 cy from 1350 sq ft from the lakebed to provide access to the boathouse on Lake Winnepesaukee, Center Harbor.

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**Conservation Commission/Staff Comments:**

No Conservation Commission comments by 12/15/04

Inspection Date: 12/15/2004 by Dale R Keirstead

**APPROVE PERMIT:**

Excavate 42 linear ft of shoreline to construct a 38 ft by 42 ft dug in boathouse providing two slips, repair an existing 10 ft by 45 ft stone pier, construct wooden access stairs over the bank, dredge 91 cy from 1350 sq ft from the lakebed to provide access to the boathouse on Lake Winnepesaukee, Center Harbor.

**With Conditions:**

1. All work shall be in accordance with plans by Watermark Marine Construction dated August 31, 2004, revision date April 13, 2005, as received by the Department on April 14, 2005.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
4. The owner shall file a restrictive covenant in the appropriate registry of deeds limiting the use of the boathouse to the storage of boats and boating-related accessories. A copy of the recorded covenant permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. The boathouse shall be a single-story structure; ridgeline not to exceed 20 ft in height (Elev. 524.32) above normal high water (Elev. 504.32).
9. Dewatering of work areas and dredged materials shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liner.
10. All dredged and excavated material and construction related debris shall be placed outside of the areas under the jurisdiction of the DES Wetlands Bureau.
11. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
12. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
15. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
16. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
17. Dock repair shall maintain existing size, location and configuration.
18. There shall be no boats moored or docked to the southern portion of the existing dock.
19. This permit does not allow for any dredging of the southern slip.
20. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(g) removal of more than 20 cubic yards of material from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on December 15, 2004.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
7. The applicant has an average of 211 feet of frontage along Lake Winnepesaukee.

8. A maximum of 3 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
9. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Wt 402.14.

-Send to Governor and Executive Council-

**2005-00339                      MARCUS REALTY LLC**  
**CENTER HARBOR   Squam Lake**

Requested Action:

Construct a 6 ft x 24 ft piling pier and a 4 ft x 20 ft piling pier connected by a 6 ft x 45 ft piling pier, with a 12 ft x 25 ft seasonal canopy, in an "F" configuration connected to a 4 ft x 30 ft pier by a 6 ft x 50 ft walkway along the shore on 443 ft of frontage on Squam Lake.

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Inspection Date: 04/18/2005 by Chris T Brison

APPROVE PERMIT:

Construct a 6 ft x 24 ft piling pier and a 4 ft x 20 ft piling pier connected by a 6 ft x 45 ft piling pier, with a 12 ft x 25 ft seasonal canopy, in an "F" configuration connected to a 4 ft x 30 ft pier by a 6 ft x 50 ft walkway along the shore on 443 ft of frontage on Squam Lake.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated February 8, 2005, as received by the Department on February 18, 2005.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. No portion of the docking facility shall extend more than 46 feet from the shoreline at full lake elevation.
5. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for 5 months during the non-boating season.
6. Unnecessary removal of vegetation shall be prohibited.
7. This permit does not allow for maintenance dredging.
8. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
10. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
11. Work authorized shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
12. Pilings shall be spaced a minimum of 12 feet apart as measured center to center.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Wt 303.02(d), construction of a major docking facility.
2. The applicant has an average of 443 feet of frontage along Squam Lake.
3. A maximum of 6 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
4. The proposed docking facility will provide 5 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Wt 402.14.
5. Public hearing is waived based on field inspection, by NH DES staff, on April 19, 2005, with the finding that the project impacts

will not significantly impair the resources of Squam Lake.

-Send to Governor and Executive Council-

## MINOR IMPACT PROJECT

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**2001-02169                      PAM REALTY TRUST**  
**LONDONDERRY   Cohas Brook**

### Requested Action:

Approve name change to: McKenna-Budrose Hildongs LLC, 2306 Columbia Circle, Merrimack, NH 03054 per request received 4/20/2005.

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### Conservation Commission/Staff Comments:

Londonderry Conservation Commission voted to recommend approval of the revised and amended project.

### APPROVE NAME CHANGE:

Reduce wetland impacts from 10,358 sq. ft. to 5,040 sq. ft. resulting from change in site plans from a 17-lot residential subdivision to a retirement housing community.

Dredge and fill a total of 5,040 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a roadway with culvert crossings to access a retirement housing community on a 50.63 acre parcel of land.

The project will include 7,824 sq. ft. of wetlands restoration and 20,444 sq. ft. of upland restoration to previously impacted areas on site.

### With Conditions:

1. All work shall be in accordance with plans by Hayner/Swanson, Inc. dated 27 February 2003, as received by the Department on March 13, 2003.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for other construction activities.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culvert outlets shall be properly rip rapped.
10. Work shall be done during low flow.
11. This amended permit, dated June 23, 2003, supercedes all previous NH DES Wetlands Bureau approvals and/or amemdments.

### Compensatory Mitigation:

1. This permit is contingent upon the restoration of 7,824 sq. ft. of wetlands and 20,444 sq. ft. of upland previously impacted on this site in accordance with plans and narrative received by the Department March 13, 2003.
2. The schedule for restoration of the previously impacted areas shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.
3. Wetland restoration areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands impacted by the previous construction activities. Remedial

measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydraulic regime.

4. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
5. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each mitigation site.
6. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
7. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
8. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

Requested Action:

Request name change to:

Apple Blossom Estates, LLC

PO Box 6376

Nashua, NH 03063

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APPROVE NAME CHANGE:

Approve name change to:

Apple Blossom Estates, LLC

PO Box 6376

Nashua, NH 03063

**2005-00087                      ELAINE CARDIN TRUST/ C/O CARDIN JEWELERS**  
**MEREDITH Lake Winnepesaukee**

Requested Action:

Replace existing 5 ft x 40 ft seasonal dock with a 6 ft x 30 ft piling pier accessed by a 6 ft x 14 ft walkway on 241 ft of frontage in Meredith Bay on Lake Winnepesaukee.

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APPROVE PERMIT:

Replace existing 5 ft x 40 ft seasonal dock with a 6 ft x 30 ft piling pier accessed by a 6 ft x 14 ft walkway on 241 ft of frontage in Meredith Bay on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction as received by the Department on April 8, 2005.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons,

and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.

4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
5. The permanent pier shall not extend more than 30 feet lakeward of the boulder as shown on the approved plans and shall provide no more than two boat slips on the frontage.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Pilings shall be spaced a minimum of 12 feet apart as measured center to center.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Rule Wt 303.03(d)(3), construction of a 2 slip permanent pier.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has 241 feet of frontage along Lake Winnepesaukee.
6. A maximum of 4 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
7. The proposed pier will provide 2 slips as defined per RSA 482-A:2, VIII and therefore, meets the criteria of Rule Wt 402.14.

**2005-00162                      DIFEO, CRAIG**  
**LACONIA   Lake Winnepesaukee**

Requested Action:

Repair an existing 176 linear ft retaining wall, in kind, replace an existing 9 ft by 6 ft boat ramp, replace an existing 12 ft by 12 ft dock, install a seasonal boatlift in one slip, on 466 ft of frontage on Lake Winnepesaukee, Laconia.

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Conservation Commission/Staff Comments:

No Com Com comments by 4/8/05

APPROVE PERMIT:

Repair an existing 176 linear ft retaining wall, in kind, replace an existing 9 ft by 6 ft boat ramp, replace an existing 12 ft by 12 ft dock, install a seasonal boatlift in one slip, on 466 ft of frontage on Lake Winnepesaukee, Laconia.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction as received by the Department on April 21, 2005.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Repair shall maintain existing size, location and configuration.
6. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. This permit does not allow for work to any portion of the wall below the full lake elevation of 504.32 ft.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).



With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(v), repair of existing structures.

**2005-00268 PSNH  
LONDONDERRY Shields Brook**

Requested Action:

Dredge and fill 3,610 sq. ft. of isolated forested wetlands for lot development for construction of a gravel equipment pad associated with expansion of an existing PSNH substation.

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Conservation Commission/Staff Comments:

Conservation Commission recommends approval.

APPROVE PERMIT:

Dredge and fill 3,610 sq. ft. of isolated forested wetlands for lot development for construction of a gravel equipment pad associated with expansion of an existing PSNH substation.

With Conditions:

1. All work shall be in accordance with plans by TF Moran Inc. dated 1/25/2005, as received by the Department on 2/7/2005.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate of nontidal wetlands which exceed the criteria of Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2005-00469 NH DEPT OF TRANSPORTATION  
HAVERHILL Clark Brook**

Requested Action:

Replace a 4 ft. x 8 ft. x 23 ft. box culvert with a 4 ft. x 6 ft. x 36 ft. metal arch, replace headwalls and construct a stone apron impacting 793 sq. ft. (259 sq. ft. temporary) of stream and banks.

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Conservation Commission/Staff Comments:

Rivers Comm. suggests replacement should not impede fish passage.

APPROVE PERMIT:

Replace a 4 ft. x 8 ft. x 23 ft. box culvert with a 4 ft. x 6 ft. x 36 ft. metal arch, replace headwalls and construct a stone apron impacting 793 sq. ft. (259 sq. ft. temporary) of stream and banks. NHDOT project #M204-5.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Maintenance Dist. #2 dated 2/15/05, as received by the Department on March 10, 2005.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Unconfined work within the brook, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
4. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
5. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
6. Temporary cofferdams shall be entirely removed immediately following construction.
7. Construction equipment shall not be located within surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
14. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
15. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
16. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
17. The impacts associated with the temporary work shall be restored immediately following construction.
18. The culvert replacement, end sections and stone apron shall be installed in a manner, which will not impede fish passage.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of stream and banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The conditions of the permit require the project consider and provide for fish passage.

**2005-00509                      NH DEPT OF TRANSPORTATION**  
**LONDONDERRY   Unnamed Stream**

Requested Action:

Install twin 24 in. x 70 ft. culverts impacting 550 sq. ft. (400 sq. ft. temporary) to replace a plugged and partially collapsed granite box culvert that will be abandoned.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Cons. Comm. does not object.

APPROVE PERMIT:

Install twin 24 in. x 70 ft. culverts impacting 550 sq. ft. (400 sq. ft. temporary) to replace a plugged and partially collapsed granite box culvert that will be abandoned. NHDOT project #6021A.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Bridge Maintenance as received by the Department on March 18, 2005.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of impacts to a stream channel and banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

MINIMUM IMPACT PROJECT

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**2002-01350                      CIPRARI, AUDREY**  
**BARRINGTON   Swains Lake**

Requested Action:

Restore a previously disturbed shoreline by constructing a 900 sqft perched beach, planting the disturbed shoreline with native vegetation on 286 ft of frontage on Swains Lake, Barrington.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp Application, this is an After-The-Fact application and therefore not application

APPROVE PERMIT:

Restore a previously disturbed shoreline by constructing a 900 sqft perched beach, planting the disturbed shoreline with native vegetation on 286 ft of frontage on Swains Lake, Barrington.

With Conditions:

1. All work shall be in accordance with plans by Abbott Hill Tree Service as received by the Department on April 11, 2005.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
4. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of the normal high water line. Those rocks and shoreline existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
5. The steps installed for access to the water shall be located completely landward of the normal high water line.
6. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
7. This permit shall be used only once, and does not allow for annual beach replenishment.
8. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
9. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
10. Photographs shall be submitted to the Department showing the completed plantings within 30 days of completion of the work.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(f), construction of a beach.

**2004-01723                      JAMES R. THISTLE, TRUSTEE, THISTLE REALTY TRUST**  
**BRENTWOOD   Unnamed Wetland**

Requested Action:

Approve name change to: Lampman Realty LLC, 14 Hale Farm Rd., Lee NH 03824 per request received 4/22/2005.

\*\*\*\*\*

Conservation Commission/Staff Comments:

In a letter to the DES Wetlands Bureau dated August 13, 2004 the Brentwood Conservation Commission stated that its primary concerns were the collection of runoff from the various proposed impervious surfaces into the proposed drainage swale and the outflow from the swale into the wetland on the adjacent property and ultimately into the Exeter River.

APPROVE NAME CHANGE:

Fill approximately 1,540 square feet of scrub-shrub and wet meadow wetlands for site grading associated with construction of a veterinary hospital and parking areas on approximately 2.82 acres.

With Conditions:

1. All work shall be in accordance with the following plans by Jones & Beach Engineers, Inc.:
  - a) The Existing Conditions Plan (Drawing C1) dated June 16, 2004 and issued for review on July 14, 2004, as received by the Department on July 27, 2004;
  - b) The Grading, Drainage and Utility Plan (Drawing C3) dated June 16, 2004 and revised August 14, 2004, as received by the Department on September 7, 2004; and
  - c) The Erosion & Sediment Control Details (Drawing E1) dated June 16, 2004 and issued for review on July 14, 2004, as received by the Department on September 7, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. Work shall be conducted during low flow conditions.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Stone aprons shall be installed at culvert outlets, where appropriate, to dissipate flow velocities and prevent scour and erosion.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

**2004-02390                      GREENLAND, TOWN OF**  
**GREENLAND   Unnamed Wetland**

Requested Action:

Retain a total of 370 sq. ft. of freshwater wetland impacts for the installation of culverts under Tidewater Farm Road and Orchard Hill Road.

\*\*\*\*\*

APPROVE AFTER THE FACT:

Retain a total of 370 sq. ft. of freshwater wetland impacts for the installation of culverts under Tidewater Farm Road and Orchard Hill Road.

With Conditions:

1. Any further alteration of DES Wetlands Bureau jurisdictional areas on this property will require a new application and further permitting by the DES Wetlands Bureau.
2. The work shall be in accordance with plans by Altus Engineering, Inc., as received by the Department on October 4, 2004.
3. The applicant shall construct headwalls for the culverts and stabilize any exposed soil areas within 7 days of headwall construction.
4. The applicant shall submit to DES photo documentation of the completion of condition # 3 above by August 1, 2005.
5. One of the 18 inch culverts that was installed under Orchard Hill Road shall remained capped.
6. Proper erosion and sedimentation controls shall be in place prior to construction of headwalls, maintained during construction, and shall remain until area is stabilized.

With Findings:

1. This is a minimum impact project per Wt 303.04.
2. This proposal meets the criteria of Chapter Wt 300 for approvable minimum impact projects.
4. This impact was the result of a misinterpretation of the rules and the law contained in Wt 100-800 and RSA 482-A.
5. On March 17, 2005, DES received a drainage analysis for the area prepared by the applicant's agent, Altus Engineering, Inc. Altus Engineering, Inc. determined there is no increase of the peak rate of discharge when comparing the pre-construction peak rate of discharge and post-construction peak rate of discharge.
6. DES waives Wt 304.04(a)(b), requiring projects to be setback 20 ft. from abutters property lines with the finding that the location of the culverts does not represent a danger to abutter or interfere with abutter's access to or use of his property.

**2005-00122                      CAMPBELL, DONALD**  
**COLUMBIA   Unnamed Wetland**

Requested Action:

Dredge and fill approximately 22,014 square feet of wetland to restore a previously drained wetland and to enhance habitat for migratory waterfowl along the Connecticut River flyway. Wetland enhancement will be accomplished by constructing a 675' long earthen berm with an associated water control structure and spillway that will allow for managing water levels to benefit waterfowl by providing resting, feeding and nesting opportunities within an 8.5 acre shallow impoundment.

\*\*\*\*\*

Inspection Date: 05/10/2002 by Craig D Rennie

APPROVE PERMIT:

Dredge and fill approximately 22,014 square feet of wetland to restore a previously drained wetland and to enhance habitat for migratory waterfowl along the Connecticut River flyway. Wetland enhancement will be accomplished by constructing a 675' long earthen berm with an associated water control structure and spillway that will allow for managing water levels to benefit waterfowl by providing resting, feeding and nesting opportunities within an 8.5 acre shallow impoundment.

With Conditions:

1. All work shall be in accordance with revised plans by USDA Natural Resources Conservation Service (NRCS) dated 3/15/05, as received by the Department on 4/1/05.
2. This permit is contingent on approval by the DES Dam Safety Program.
10. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during low flow and dry conditions.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the wetland enhancement areas are constructed in accordance with the revised plans. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary.
8. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the enhancement areas during construction and during the early stages of vegetative establishment.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a Minimum Impact Project per NH Administrative Rule Wt 303.04 (t), as the project proposes to restore and enhance a degraded wetland system.
2. The applicant has received financial support and direct supervision by the USDA-NRCS, and has received guidance from the US Fish & Wildlife Service, NH Fish & Game Dept., NH DES Wetlands Bureau, Wildlife Management Institute, and Ducks Unlimited.
3. The applicant has submitted an NRCS construction inspection plan that ensures a qualified NRCS representative or engineer will monitor the construction of the earthen berm and water control structure.
4. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

## FORESTRY NOTIFICATION

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**2005-00625                      PETERS, GARY**  
**BATH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Bath Tax Map 17, Lot# 8

**2005-00675                      GOODSTEIN, CHARLES**  
**RAYMOND   Unnamed Stream**

COMPLETE NOTIFICATION:  
Raymond Tax Map 25, Lot# 1

**2005-00687                      PHELPS, JAMES**  
**DANBURY   Unnamed Stream**

COMPLETE NOTIFICATION:  
Danbury Tax Map 406, Lot# 168 & 169

**2005-00702                      DILLON, THOMAS & SCOTT**  
**BERLIN   Unnamed Stream**

COMPLETE NOTIFICATION:  
Berlin Tax Map 404, Lot# 511

**2005-00707                      BOLTON, CHRISTOPHER**  
**WEARE   Unnamed Stream**

COMPLETE NOTIFICATION:  
Weare Tax Map 406, Lot# 43, 67 & 67.1

**2005-00710                      BURWEN, GARY**  
**AUBURN   Unnamed Stream**

COMPLETE NOTIFICATION:  
Auburn Tax Map 8, Lot# 5

**2005-00718                      MORRILL, STEPHEN**  
**CONWAY   Unnamed Stream**

COMPLETE NOTIFICATION:  
Conway Tax Map 260, Lot# 58

**2005-00719                      LEWIS, DALE**  
**HAVERHILL   Unnamed Stream**

COMPLETE NOTIFICATION:  
Haverhill Tax Map 424, Lot# 14

**2005-00721                      NISSITISSIT RIVER LAND TRUST, PETER SMITH**  
**BROOKLINE   Unnamed Stream**

COMPLETE NOTIFICATION:  
Brookline Tax Map K, Lot# 42

**2005-00745                      MIGHTY OAKS REALTY LLC, DON HARDWICK**  
**LEMPSTER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Lempster Tax Map 10, Lot# 504.052

#### EXPEDITED MINIMUM

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**2004-00560                      THOMSON, STACEY**  
**ORFORD   Unnamed Wetland**

Requested Action:  
Impacts associated with the construction of a subdivision road to access for lot.  
\*\*\*\*\*

Conservation Commission/Staff Comments:  
The Orford Conservation Commission signed the Minimum Impact Expedited Application.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:  
Impacts associated with the construction of a subdivision road to access for lot.

With Findings:  
1. A request for additional information dated April 21, 2004, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.  
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.  
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2004-00912                      HENNIKER, TOWN OF**  
**HENNIKER   Roadside Ditch And Culverts**

Requested Action:  
Routine maintenance of roadways within the town of Henniker.



\*\*\*\*\*

Conservation Commission/Staff Comments:

The Henniker Conservation Commission signed the Minimum Impact Expedited Application.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Routine maintenance of roadways within the town of Henniker.

With Findings:

1. A request for additional information dated May 20, 2004, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2004-00947                      KINGSTON, TOWN OF**  
**KINGSTON   Greenwood Pond**

Requested Action:

Temporarily impact 10 linear feet of bank on Greenwood Pond to install a dry hydrant for fire protection.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Kingston Conservation Commission signed the Minimum Impact Expedited Application.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Temporarily impact 10 linear feet of bank on Greenwood Pond to install a dry hydrant for fire protection.

With Findings:

1. A request for additional information dated June 16, 2004, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2004-01857                      NEW HAMPTON, TOWN OF**  
**NEW HAMPTON   Pemigewasset River**

Requested Action:

Add an additional 8 feet to an existing 48-inch culvert beneath Coolidge Woods Rd.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The New Hampton Conservation Commission signed the Minimum Impact Expedited Application.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Add an additional 8 feet to an existing 48-inch culvert beneath Coolidge Woods Rd.

With Findings:

1. A request for additional information dated September 9, 2004, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.

2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2004-02680                      BABSON FAMILY LAKE WINNIPESAUKEE REALTY TRUST**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Excavate 430 sq ft along 29 ft of shoreline to construct a perched beach on 311 ft of frontage on Lake Winnepesaukee, Alton.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com did not sign Exp Application, the Con Com has concerns about the ownership of the lot, and the lot has multi residences.

APPROVE PERMIT:

Excavate 430 sq ft along 29 ft of shoreline to construct a perched beach on 311 ft of frontage on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by A & D Klumb Enviromental as received by the Department on March 23, 2005.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
4. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
5. The steps installed for access to the water shall be located completely landward of the normal high water line.
6. No more than 8 cu yds of sand may be used and all sand shall be located above the normal high water line.
7. This permit shall be used only once, and does not allow for annual beach replenishment.
8. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
9. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(g), dredge of less than 20 cubic yards of material from public waters.

**2004-02964                      NELSON TTEE, ALICE**  
**ALTON BAY   Lake Winnepesaukee**

Requested Action:

Amend permit to include the addition of one support pile in front of the center walkway.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com did not sign Exp Application, no Con Com comments by Jan 4, 2005.

APPROVE AMENDMENT:

Repair and modify an existing boathouse and docking facility by: moving the southern dock to reduce the slip width to 12 ft, increase the slip to the north of dock # 1 to 11 ft wide by reducing dock # 2 width to 3 ft 6 inches, increase the southern boathouse slip to 8 ft

wide by reducing the center dock width from 2 ft 6 inches to 8 inches, add one support pile in front of the center pier, and increase the slip length to 24 ft by reducing the deck area in the back of the boathouse 10 feet at the southerly slip on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated November 17, 2004, revision date January 4, 2005, as received by the Department on January 4, 2005, and amendment plans dated March 11, 2005, as received by the Department on April 19, 2005.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Existing rocks which have fallen shall be used for repair. No Additional Rocks.
5. All dredged and excavated material and construction related debris shall be placed outside of the areas under the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
8. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.
2. The proposed modifications meet rule Wt 402.22 for reduction of constructed surface area over public waters.
3. The proposed modifications do not add boatslips.

**2004-02982                      SCHIAVONI, ROBERT & CLAIRE**  
**STRAFFORD   Bow Lake**

Requested Action:

Replace an existing 44 ft of retaining wall on Bow Lake, Strafford.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Replace an existing 44 ft of retaining wall on Bow Lake, Strafford.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on March 30, 2005.
2. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
3. Work shall be done during drawdown.
4. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.

6. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(c), repair of existing retaining walls.

**2004-03036                      KLC LAND PLANNING & CONSULTING**  
**HAMPSTEAD   Unnamed Wetland**

Requested Action:

Impact 718 square feet of wet meadow for the installation of a 24-inch by 54-foot culvert to access 21 elderly housing units on a residential lot on 11.35 acres.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Hampstead Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact 718 square feet of wet meadow for the installation of a 24-inch by 54-foot culvert to access 21 elderly housing units on a residential lot on 11.35 acres.

With Conditions:

1. All work shall be in accordance with the Grading and Drainage Plans (Sheets G1 and G2) by Civil Construction Management Inc. dated October 2004 with revisions through March 7, 2005, as received by the Department on April 5, 2005.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit is contingent on approval by the DES Site Specific Program.
5. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Work shall be done during low flow conditions.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional

wet meadow.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2005-00534                      EWING, ROBERT**  
**NEW LONDON   Unnamed Wetland**

Requested Action:

Dredge approximately 1,960 square feet of palustrine emergent, wet meadow to construct (2) ponds

\*\*\*\*\*

Conservation Commission/Staff Comments:

Conservation commission signed the expedited application.

APPROVE PERMIT:

Dredge approximately 1,960 square feet of palustrine emergent, wet meadow to construct (2) ponds

With Conditions:

1. All work shall be in accordance with plans by Landforms Ltd., as received by the Department on March 23, 2005.
2. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
3. No fill shall be done for lot development.
4. Work shall be done during low or non flow.
5. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(p), construction of a pond impacting less than 20,000 sq ft, with no impacts to Hydric A soils or stream channels.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**GOLD DREDGE**

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**2005-00726                      HEATH, MICHAEL**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:  
cc Bath ConCom

**2005-00759                      RASMUSSEN, ROBERT**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:  
cc Bath ConCom

**LAKES-SEASONAL DOCK NOTIF**

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**2005-00722                      BENEDICT, DAVID**  
**BELMONT   Lake Winnisquam**

COMPLETE NOTIFICATION:  
Belmont Tax Map 103, Lot# 3 Lake Winnisquam

**2005-00723                      FLOOD, STEPHEN**  
**MOULTONBOROUGH   Lake Winnepesaukee**

COMPLETE NOTIFICATION:  
Moultonboro Tax Map 5, Lot# 225 Lake Winnepesaukee

**2005-00724                      HOLLOWAY, GREG & JEFF BARKHOUSE**  
**WAKEFIELD   Pine River Pond**

COMPLETE NOTIFICATION:  
Wakefield Tax Map 53, Lot# 24 Pine River Pond

**2005-00725                      KRYSINSKI, MARGARET**  
**SPOFFORD   Spofford Lake**

COMPLETE NOTIFICATION:  
Spofford Tax Map 5J, Lot# A15 Spofford Lake

**2005-00747                      HOLDEN, GRACE**  
**DEERFIELD   Pleasant Lake**

COMPLETE NOTIFICATION:  
Deerfield Tax Map 204, Lot# 36 Pleasant Lake

## SHORELAND VARIANCE / WAIV

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**2005-00359                      MICHEAL, WENDY**  
**MOULTONBOROUGH   Lake Winnepesaukee**

### Requested Action:

Increase the footprint to a nonconforming primary structure 65 sq ft within the 50 ft primary building setback to reference line, improve stormwater runoff by removing a 425 sq ft nonconforming deck extending 12 ft from the dwelling towards the reference line and improve beach with a retaining wall lined with geo-textile fabric.

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### APPROVE CSPA WAIVER:

Increase the footprint to a nonconforming primary structure 65 sq ft within the 50 ft primary building setback to reference line, improve stormwater runoff by removing a 425 sq ft nonconforming deck extending 12 ft from the dwelling towards the reference line and improve beach with a retaining wall lined with geo-textile fabric.

### With Conditions:

1. All work shall be conducted in accordance with plans as received by the department on February 17, 2005.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. This waiver shall not be effective until an application is filed and approved for proposed beach improvements. No construction shall start prior to receiving a beach restoration permit.
4. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
5. No decks or porches shall extend from the nonconforming primary structure closer than 29.7 ft away from the reference line
5. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
6. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
7. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
8. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

### With Findings:

**PROJECT DESCRIPTION:** Increase the footprint to a nonconforming primary structure 65 sq ft within the 50 ft primary building setback to reference line, improve stormwater runoff by removing a 425 sq ft nonconforming deck extending 12 ft from the dwelling towards the reference line and improve beach with a retaining wall lined with geo-textile fabric.

1. The existing non-conforming residence is located within the 50 ft primary building setback to Lake Winnepesaukee and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
3. The applicant has proposed to improve surface water runoff by removing semi-impervious surfaces and construct a retaining wall to divert surface water runoff away from the beach and therefore meets the requirements for a waiver to RSA 483-B:9 as described in

RSA 483-B: 11, I

## ROADWAY MAINTENANCE NOTIF

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**2005-00756**                      **ALTON HWY DEPT, TOWN OF ALTON**  
**ALTON**   **Unnamed Stream**

## PERMIT BY NOTIFICATION

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**2005-00640**                      **EDDY, WILLIAM & PHYLLIS**  
**MEREDITH**   **Lake Winnepesaukee**

### Requested Action:

In-kind replacement of five (5) pilings on a 6'x30' permanent dock on Lake Winnepesaukee with 155 feet of shoreline frontage.

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### Conservation Commission/Staff Comments:

The Meredith Conservation Commission signed the PBN.

### PBN IS COMPLETE:

In-kind replacement of five (5) pilings on a 6'x30' permanent dock on Lake Winnepesaukee with 155 feet of shoreline frontage.

**2005-00660**                      **BIRCHWOOD CONDOMINIUMS**  
**LACONIA**   **Unnamed Pond**

### Requested Action:

Maintenance dredge 15,900 square feet of an existing pond for continued use.

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### Conservation Commission/Staff Comments:

The Laconia Conservation Commission signed the PBN.

### PBN IS COMPLETE:

Maintenance dredge 15,900 square feet of an existing pond for continued use.

**2005-00728**                      **FOLEY, JOHN & DIANE**  
**WOLFEBORO**   **Unnamed Wetland**

### Requested Action:

Impact 760 square feet of roadside drainage ditch for the installation of twin 24-inch culverts for access to a single family residential



lot on 0.98 acres.

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Conservation Commission/Staff Comments:

The Wolfeboro Conservation Commission did not sign the PBN.

PBN IS COMPLETE:

Impact 760 square feet of roadside drainage ditch for the installation of twin 24-inch culverts for access to a single family residential lot on 0.98 acres.